



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

May 15, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Ed Huffman from Woodward Park Baptist Church

Pledge of Allegiance to the Flag

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m. **PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Ceremonial Presentations:

Presentation of a check by Department of Public Utilities to the Community Food Bank for proceeds from the Fourth Annual DPU Golf Tournament – Councilmember Xiong – **presented a check in the amount of \$2,000**

Proclamation of “Bike Week”– Councilmember Calhoun – **Read and presented**

Proclamation of “National Public Works Week” – Mayor Autry and Councilmembers – **Read and presented**

Proclamation of “Water Awareness Month” – Councilmember Westerlund – **Read and presented**

Appearance by Parker, the Fresno Grizzly Mascot, promoting City of Fresno Evening at the Grizzlies scheduled for June 1st - **Appearance made**

Proclamation of “AmeriCorps Week” – Mayor Autry and Councilmember Sterling - **Read and presented**

Recognition of District 7 Student Recognition Awards – Council President Perea - **Recognized**

Proclamation of “Teen Pregnancy Prevention Month” – Councilmember Sterling – **Read and presented**

Approve minutes of May 8, 2007

Action Taken: Approved, as submitted

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * [Approve a Home CHDO Agreement Amendment with Fresno West Coalition for Economic Development granting a time extension for the South Clara Estates Affordable Single Family Development- Housing and Community Development](#)

Action Taken: Approved as amended with the completion date extended to June, 2008

- B. * [Approve Agreement with International Union of Operating Engineers, Stationary Engineers, Local 39, Unit 1, regarding State Disability Insurance \(SDI\) – Personnel Services Department](#)

Action Taken: Approved

1. [RESOLUTION - Approving an application to the State Employment Development Department for State Disability Insurance coverage for employees in Unit 1](#)

Action Taken: Resolution No. 2007-175 adopted

CONSENT CALENDAR CONTINUED

- C. * [Approve Side Letter of Agreement between the City of Fresno \(City\) and the Fresno Police Officers Association \(FPOA\), Unit 4, covering the period July 1, 2006 through June 30, 2009, for premium pay for performing Chief Police Pilot duties - Personnel Services Department](#)
Action Taken: **Approved as submitted**
- D. * Authorize the Chief of Police to enter into and execute the agreement with the Regents of the University of California to accept FY 2007 Grant Funds and adopt the 80th Amendment to AAR 2006-253 appropriating \$90,000 for the Fresno Police Department's California Click It Or Ticket program (CIOT) – Police Department
Action Taken: **Authorized**
1. * **RESOLUTION** – 80th amendment to the AAR No. 2006-253 appropriating \$90,000 to fund the California Click It or Ticket Program (**Requires 5 affirmative votes**)
Action Taken: **Resolution No. 2007-176 adopted**
- E. * Approve the operational agreement for the California Multi-jurisdictional Methamphetamine Enforcement Teams (CALMMET) 2007-2008 grant for \$225,389, and authorize the Chief of Police to sign and complete related documents – Police Department
Action Taken: **Approved**
- F. **RESOLUTION** - [Establishing the Utility Advisory Committee \(UAC\) – Department of Public Utilities](#)
Action Taken: **Resolution No. 2007-191 adopted as amended to call for a total of 11 members, four appointed by the Mayor and one appointed by each Councilmember**
- G. * **RESOLUTION** - [458th Amendment to MFS Resolution No. 80-420 correcting multi-family non-bin rates in the MFS to be consistent with the Proposition 218 Notice to Customers - Department of Public Utilities](#)
Action Taken: **Resolution No. 2007-177 adopted**
- H. * [Award contract to Steve Dovali Construction Company in the amount of \\$294,546.00 for residential water meter installations\) - Department of Public Utilities](#)
Action Taken: **Awarded as recommended**
- I. **RESOLUTION** - [Dedicating certain city-owned property for public street purposes \(Property located in Council District 2\) - Public Works Department](#)
Action Taken: **Resolution No. 2007-178 adopted**
- J. **RESOLUTION** - [Approving the summary vacation of a public pedestrian walkway easement located along the South side of Shaw Avenue East of First Street \(Property located in Council District 4\) - Public Works Department](#)
Action Taken: **Resolution No. 2007-179 adopted**
- K. * **RESOLUTION** - [78th amendment to AAR No. 2006-253 appropriating \\$55,000 in developer contributions for the acquisition of Water Well Site No. 135B pursuant to the approved Tract 5283 - Public Works Department \(Requires 5 affirmative votes\)](#)
Action Taken: **Resolution No. 2007-180 adopted**
- L. * [Approve the acquisition of four street easements for the placement of curb, gutter and sidewalk along Whitesbridge between West Avenue and Freeway 99 from property owners: Demos & Carolyn J. Gallendar, A.K.J. Properties and William & Barbara Larsen - Public Works Department](#)
Action Taken: **Approved**
- M. * [Award a construction contract in the amount of \\$252,938.00 to MADCO Electric, Inc., for the installation of traffic signal facilities at the intersection of Lane and Winery Avenues \(Property located in Council District 5\) - Public Works Department](#)
Action Taken: **Awarded**
- N. * [Award a contract in the amount of \\$1,232,756.20 to Elite Landscaping Inc., for the site improvements at Figarden Elementary School \(4 Baseball Fields\), \(Property located in Council District 2\) - Public Works Department](#)
Action Taken: **Awarded**

CONSENT CALENDAR CONTINUED

- O. * Approve the acquisition of a street easement from Fresno Unified School District for the reconstruction of the Northwest corner of N. Fresno Street and E. Dakota Avenue concurrently with the addition of traffic signal left turn phasing (**Property located in Council District 7**) - Public Works Department
Action Taken: Approved
- P. * **RESOLUTION** - 77th amendment to AAR No. 2006-253 appropriating \$618,600 for the purpose of the bi-annual UGM reimbursements from available funds to approved developers – Public Works Department (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-181 adopted
- Q. * Award a contract to Universal Coatings, Inc., of Fresno, California for the total of \$207,300.00, to re-roof Memorial Auditorium – General Services Department
Action Taken: Awarded
- R. * Approve the sale of three vacant City-owned residential parcels, one located at 214 San Pablo and two vacant parcels located at the northwest corner of Willow and Jensen Avenues, to Coalition for Urban Renewal Excellence (CURE) for the development of affordable single-family infill housing – Planning and Development Department
Action Taken: Approved
- S. **RESOLUTION** - Approving the Final Map of Tract No. 5232 accepting dedicated public uses therein except for dedications offered subject to city acceptance of developer installed required improvements; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents (**Property located in Council District 5**) - Planning and Development Department
Action Taken: Resolution No. 2007-182 adopted
- T. * Award a contract to Dave Christian Construction Co., Inc. the amount of \$703,440.32 for the installation of street infrastructure in No Neighborhood Left Behind Area 72 (**Property located in Council District 7**) – Department of Public Utilities
Action Taken: Awarded as recommended
- U. Adopt findings for the Fresno-Clovis Water Main Intertie Project, Mitigated Negative Declaration, State Clearing House No. 2006112098 and approve the Fresno-Clovis Water System Interconnection Agreement - Department of Public Utilities
Action Taken: Adopted
- V. * **RESOLUTION** - 74th amendment to the AAR No. 2006-253 to recognize \$527,700 in unbudgeted revenues and increase appropriations \$527,700 for the Fire Department – Fire Department (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-183 adopted
- W. * **RESOLUTION** - 81st amendment to AAR No. 2006-253, appropriating \$307,000 in additional FY 2004 and FY 2005 funding awarded to the Fire Department from the Homeland Security Grant Administered by the State Office of Emergency Services (OES), through the County of Fresno, to provide for training and equipment – Fire Department (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-184 adopted
- X. * Approve Amendment No. 1 to Computer System Services Agreement between the City of Fresno Fire Department and Reporting Systems Inc., dba Emergency Reporting (RSI) – Fire Department
Action Taken: Approved
- Y. **RESOLUTION** - 79th amendment to AAR No. 2006-253 appropriating \$12,500 for maintenance of CFD No. 2; and \$27,500 for eligible developer deposit refunds- Public Works Department (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-185 adopted

CONSENT CALENDAR CONTINUED

- Z. * [**BILL NO. B-44 \(For adoption\)** - Text Amendment Application No. TA-06-04, and environmental findings, initiated by the Planning and Development Department Director, amending the text of the Fresno Municipal Code \(Zoning Ordinance\) related to the "Adult Business" section of the Code \(Section 12-306-N-30\) prohibiting new Adult Uses from locating within 1,000 feet of nonconforming single and multiple-family residential dwellings regardless of the zone district in which the residential dwellings are located - Planning and Development Department](#)
Action Taken: Ordinance No. 2007-44 adopted
- AA. [**BILL \(for Introduction\)** to amend subsections \(a\) and \(b\) of Sections 4-504 and 4-505 of the Fresno Municipal Code relating to Local Sales and Use Taxes, pursuant to a Memorandum of Understanding with the County of Fresno \(MOU\) - Finance Department](#)
Action Taken: Bill No. B-45 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
- B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda
- 9:15 A.M. **CITY COUNCIL**
- A. [Presentation and Council discussion regarding the Herndon Town Water system deficits - Councilmember Calhoun](#)
Action Taken: Presentation made
- B. [Request staff to disband the current Fresno Clean Air Advisory Committee and establish a City of Fresno Environmental Preservation Advisory Board. - Councilmember Calhoun](#)
Action Taken: Request made, staff directed to return by August, 2007 with enabling documents
- C. [Direct City Manager and City Attorney to prepare documentation to withdraw the City of Fresno from the San Joaquin Valley Power Authority- Councilmember Duncan](#)
Action Taken: Request denied
- D. * [**RESOLUTION** - Finding public health and safety concerns at temporary homeless encampment under the Monterey Street overpass on "H" Street and directing installation of two portable restrooms and trash dumpster- Councilmember Duncan](#)
Action Taken: Resolution No. 2007-186 adopted
- 10:00A.M.#1 **HEARING –** to rename the tennis court at the Roeding Tennis Center
(Continue to June 5, 2007 at 10:00 A.M.)
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00A.M.#2 [HEARING to consider Rezone Application No. R-07-11, and environmental findings, filed by the City of Fresno, pertaining to 12 properties totaling approximately 23.06 acres generally located on the South side of West Dakota Avenue between North Cornelia and North Milburn Avenues – Planning and Development Department](#)

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-11, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district (***Property located in Council District 1***)

Action Taken: Bill No. B-46/Ordinance No. 2007-45 adopted

10:00A.M #3 [HEARING to consider the “Island Lakes” Condominium Conversion Application and Vesting Tentative Tract Map No. 5729, filed by Island Lakes 114 Realty LLC, pertaining to 9.27 acres of property zoned R-3-A/BA/UGM \(Medium Density Multiple Family Residential, one story/Boulevard Area Overlay/Urban Growth Management\) and located on the West side of North First Street between East Alluvial and East Nees Avenues \(Property located in Council District 6\) – Planning and Development Department](#)

Action Taken: Held

1. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5729

Action Taken: Adopted

2. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5729 proposing the creation of a one common lot condominium map; and the conversion of the “Island Lakes” multiple-family apartment complex into a condominium owner-occupied complex.

Action Taken: Resolution No. 2007-187 adopted

10:15A.M. [HEARING to consider Rezone Application No. R-07-05, and environmental findings, filed by Francisco Valderrama, pertaining to a 0.33 acre of property located along the easterly side of North Roosevelt Avenue, South of East Belmont Avenue \(504 East Belmont Avenue\)- \(Property located in Council District 3\) – Planning and Development Department](#)

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-05/C-07-19, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.

Action Taken: Adopted

- b. **BILL** – Amending the Official Zone Map to rezone 0.15 acre of the subject property from the R-1 (*Single Family Residential*) zone district to the C-6 (*Heavy Commercial*) zone district in order to maintain an existing parking area that serves an adjoining restaurant facility.

Action Taken: Bill No. B-47/ordinance No. 2007-46 adopted

10:30A.M. [Hearing regarding City of Fresno Community Facilities District No. 11, Annexation No. 17 \(Final Tract Map No. 5730\) \(Located in Council District 2\) – Public Works Department](#)

Action Taken: Continued to 6/5/2007 at 10:15 a.m.

- a. **RESOLUTION** – Annexing territory to CFD No. 11 and authorizing the levy of a special tax
b. **RESOLUTION** – Calling a special mailed-ballot election
c. **RESOLUTION** – Declaring election results
d. * **BILL** – Levying a special tax for the property tax year 2007-2008 and future tax years within and relating to CFD No. 11, Annexation No. 17

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of April 24, 2007

Action Taken: Approved, as submitted

- A. * Award of construction contract to Steve Dovali Construction in the amount of \$148,660.00 for the installation of median islands on Tulare Street between "B" to "E" Streets; an area within the West Fresno Community Vision Plan (RDA Project Area 16)
(City Action)

Action Taken: Awarded as recommended

1. **RESOLUTION** - Making certain findings pursuant to section 33445 of the Community Redevelopment Law, and authorizing the Agency's expenditure of tax increment to install public improvements within the Southwest Fresno General Neighborhood Renewal Area project for median island installation at Tulare Street from "B" to "E" street **(City and Agency Action)**

Action Taken: Resolution Nos. 2007-189/1696 adopted

- B. **RESOLUTION** - Approving an Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and Fresno West Coalition for Economic Development, for the construction of a residential housing project at Southeast corner of Clara and North Avenue (Tract No. 5603) and associated Agency grant **(City and Agency Action)**

Action Taken: Resolution Nos. 2007-190/1697 adopted

- C. **BILL(For introduction)-** Pursuant to Health and Safety Code Section 33342.7 approving descriptions of the Redevelopment Agency's programs to acquire real property by eminent domain within the Agency's existing project areas **(City Action)**

Action Taken: Bill No. B-48 introduced/laid over

- D. [Consider Amendment No. 1 of the exclusive negotiating agreement with Fresno Historic Chinatown, LLC, a California limited liability company, for the Historic Chinatown Project Area located within the Chinatown expanded and South Van Ness Redevelopment Project Areas](#)
(Agency Action)

Action Taken: Removed from the agenda by staff

ADJOURN AGENCY

11:00 A.M. GENERAL ADMINISTRATION

- A. [Approve Economic Development Corporation contract for business retention and expansion services – Economic Development Department](#)

Action Taken: Approved

2:00 P.M. #1 CONTESTED CONSENT CALENDAR

2:00 P.M. #2 CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Government Code Section 54956.9, subdivision (a)

1. Case Name: *City of Fresno v. RAPS FRESNO, LLC(CMH)*

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:15 P.M. **HEARING** to consider Street Name Change Application No. SNC-2007-01, and environmental findings, filed by Councilmember Sterling on behalf of Senior Pastor Reverend Shane B. Scott of the Saint Rest Missionary Baptist Church, pertaining to a change in the street name of East Florence Avenue between South Clara Avenue and State Highway 99 to East Reverend Chester Riggins Avenue (***Property located in Council District 3***)

Action Taken: Held

- a.** Consider and adopt Environmental Assessment No. SNC-07-01, determination of a Finding of No Possibility of Significant Adverse Effect exemption from the requirements of the California Environmental Quality Act (CEQA)

Action Taken: Adopted

- b. RESOLUTION** – Approving Street Name Change Application No. SNC-2007-01

Action Taken: Resolution No. 2007-188 adopted

2:30 P.M. Presentation of State Bonding Opportunities – City Managers Office - **Presentation made**

SCHEDULED COUNCIL HEARINGS AND MATTERS

May 22 - NO MEETING

May 25(Fri) 8:30A.M. HEARING on FY 07-08 Budget, Departments; City Attorney, City Clerk, Airport, Finance, Personnel

May 29 - NO MEETING – MEMORIAL DAY

May 31 (Thurs) 8:30 A.M.#1 Special meeting for RDA

May 31(Thurs) 8:30 A.M. #2	Continued consideration of FY 07-08 Budget, Departments; Public Utilities, Economic Development, Transportation
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June 5 - 9:50 A.M. HEARING re: to consider Rezone Appl. No R-07-09, filed by Claude Saiz Jr.

June 5 - 10:00 A.M. CONTINUED HEARING to rename the tennis court at the Roeding Tennis Center

June 5 -	10:00 A.M.	Continued consideration of FY 07-08 Budget (May be heard later) Departments; Fire Department & Police Department
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June 7(Thurs) 8:30 A.M.	Continued consideration of FY 07-08 Budget, Departments; Parks, Recreation & Community Services, Information Services Department, General Services Department & Public Works
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June 12 - 10:00 A.M.	Continued consideration of FY 07-08 Budget (May be heard later) Departments; Planning & Development, CDGB, Redevelopment Agency, Council, Mayor, & City Manager
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June 19 - 10:00 A.M. Continued consideration of FY 07-08 Budget (May be heard later)

June 26 - 10:00 A.M. HEARING re: to consider formation of Underground Utility District FRE-85

June 26 - 10:15 A.M. HEARING re: ordering the vacation of all street, pedestrian, and utility easements in the area known as Funston Place (*Located in Council District 7*)

July 3 - NO MEETING – COUNCIL VACATION

July 10 - NO MEETING - COUNCIL VACATION